

REMARKS

Claims 1, 3, 4, 7-12, 16, 18 and 20 were examined in the Office Action under reply. Claims 12, 16, 18 and 20 remain allowed. Claims 1, 3, 4, 7, 8, 10 and 11 are rejected solely under the judicially created doctrine of obviousness-type double patenting over (1) claims 1-8 of U.S. Patent No. 6,610,290; (2) claims 1-14 of U.S. Patent No. 6,391,858; and (3) claims 1-8 of U.S. Patent No. 6,211,163.


Applicants are submitting a Terminal Disclaimer, disclaiming the terminal portion of any patent granted on the above-captioned application that would extend beyond the expiration date of the '290 patent. However, the rejection of claims 1, 3, 4, 7, 8, 10 and 11 over the '858 and '163 patents is respectfully traversed.

In particular, in a telephone conversation with the undersigned on April 10, 2006, the Examiner agreed that amending claim 1 to recite that the recombinant AAV virion is introduced directly into the muscle cell or tissue would obviate the rejections over the '858 and '163 patents. Applicants have amended claim 1 as suggested by the Examiner. Thus, the obviousness-type double patenting rejections over the '858 and 163 patents have been overcome and withdrawal thereof is respectfully requested.

Accordingly, the application is now in condition for allowance, and a Notice of Allowance is earnestly solicited. If the Examiner notes any further matters which she believes may be resolved by a telephone interview, she is encouraged to contact the undersigned by telephone.

Respectfully submitted,

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